

105TH CONGRESS
2D SESSION

H. R. 3948

To maintain health care coverage for veterans by the Department of Veterans Affairs for tobacco related illnesses, and to provide for additional authorization of appropriations for the Department.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1998

Mr. KLINK (for himself, Mr. MURTHA, Mr. FATTAH, Mr. KANJORSKI, Mr. DOYLE, Mr. ETHERIDGE, Mrs. EMERSON, Mr. HALL of Ohio, Mr. TRAFICANT, Mr. MASCARA, Mr. HOLDEN, Mrs. THURMAN, Mr. GEJDENSON, Ms. STABENOW, Mr. STUPAK, Mr. RUSH, Mr. McDERMOTT, Mr. SMITH of New Jersey, Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mr. RODRIGUEZ, Mr. ENGLISH of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. MANTON, Mr. KENNEDY of Massachusetts, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. GREEN, Mr. NADLER, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To maintain health care coverage for veterans by the Department of Veterans Affairs for tobacco related illnesses, and to provide for additional authorization of appropriations for the Department.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDING.**

2 The Congress finds that the United States has both
3 directly and indirectly facilitated tobacco use by members
4 of the Armed Forces in that—

5 (1) from the time of the Civil War until 1956,
6 the Army was required by law “to cause tobacco to
7 be furnished to the enlisted men of the army at cost
8 prices, exclusive of the cost of transportation, in
9 such quantities as they may require, not exceeding
10 sixteen ounces per month” with the cost deducted
11 from their pay;

12 (2) the Air Force is still required by law to
13 make tobacco available for sale to enlisted members;

14 (3) cigarettes have been distributed free of
15 charge to members of the Armed Forces as part of
16 the food and sundries packets referred to as
17 “C-rations”;

18 (4) tobacco products have been and continue to
19 be sold by military exchanges at substantially dis-
20 counted rates, thus actively encouraging tobacco
21 usage by military personnel, and as late as 1996
22 commissary tobacco prices were as much as 76 per-
23 cent lower than commercial retail prices;

24 (5) the military culture historically has recog-
25 nized, encouraged, and supported cigarette smoking
26 by servicemembers (“Smoke ’em if you’ve got ’em.”);

1 (6) a significant number of veterans were non-
2 smokers upon entering military service and began
3 smoking during military service, and reliable studies
4 indicate that 75 percent of World War II veterans
5 began smoking tobacco products as young adults
6 during the course of their military service;

7 (7) labeling requirements warning of the addict-
8 ive nature of nicotine and the dangers of tobacco-re-
9 lated products, which were applicable to tobacco
10 products sold in the commercial market, were not
11 mandated for products distributed through the mili-
12 tary system until 1970, five years after the require-
13 ment was applied to products sold in the civilian
14 market; and

15 (8) the Department of Veterans Affairs has
16 been authorized by law to provide tobacco to veter-
17 ans receiving hospital or domiciliary care since 1957
18 and was authorized to do so by regulation since at
19 least 1933.

20 **SEC. 2. SERVICE-CONNECTED COMPENSATION FOR TO-**
21 **BACCO-RELATED ILLNESSES OF VETERANS.**

22 Notwithstanding any other provision of law, for pur-
23 poses of sections 1110 or 1131 of title 38, United States
24 Code, in the case of a disability of a veteran from a disease
25 or injury that may be attributable, in whole or in part,

1 to that veteran's use of tobacco products, the veteran shall
2 be entitled to payment of compensation under chapter 11
3 of such title.

4 **SEC. 3. INCREASE IN AUTHORIZATION OF APPROPRIA-**
5 **TIONS FOR THE DEPARTMENT OF VETERANS**
6 **AFFAIRS.**

7 In addition to amounts otherwise authorized to be ap-
8 propriated for the Department of Veterans Affairs for fis-
9 cal year 1999, there is hereby authorized to be appro-
10 priated for the Department \$1,000,000,000 for such fiscal
11 year.

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